



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7

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SEP 09 2002

In re Patent Application of

LYNN

Atty. Ref.: 1131-62

TECHNOLOGY CENTER R3700

Serial No. 09/699,398

Group: 3763

Filed: October 31, 2000

Examiner: Rodriquez, C.

For: LUER RECEIVING MEDICAL VALVE AND FLUID TRANSFER METHOD

* * * * *

August 29, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

REQUEST FOR RECONSIDERATION UNDER RULE 116

Responsive to the Official Action dated April 30, 2002, kindly enter the following remarks.

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

Claims 24-34 remain pending.

Claims 24-26 and 28-34 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of U.S. Patent RE 37,357. Applicant respectfully traverses this rejection.

Indeed, although the Examiner has characterized the rejection as a rejection under the judicially created doctrine of "obviousness-type" double patenting, the three listed reasons for the rejection do not establish a prima facie case of obviousness. Therefore, it is believed and understood that the Examiner intended to characterize the rejection as a non-obviousness-type double patenting rejection. In this regard, it is true that the subject matter claimed in this application was fully disclosed in the earlier application, but that is not grounds for an obviousness-type double patenting rejection. Second, the patent protection

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RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES

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Title: LUER RECEIVING MEDICAL VALVE AND FLUID TRANSFER
METHOD

Assistant Commissioner for Patents
Washington, DC 20231



Atty Dkt. 1131-62

C#/M#

Group Art Unit: 3763

Examiner: Rodriguez, C.

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TECHNOLOGICAL SERVICES 700

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment 11 minus highest number
Previously paid for 23 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 1 minus highest number
Previously paid for 4 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
Paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 110.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 110.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

SUBTOTAL \$ 220.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 110.00

☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 110.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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MNL:slj

NIXON & VANDERHYE P.C.

By Atty.: Michelle N. Lester, Reg. No. 32,331

Signature: 